

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Criminal Case No.

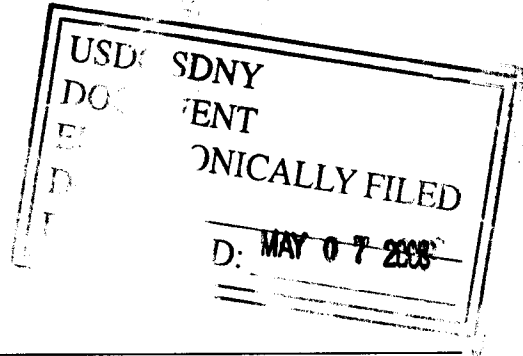
UNITED STATES OF AMERICA,

Plaintiff,

v.

1. RICHARD J. KURTZ,  
a/k/a Laurence Solomon,  
  
Defendant.

**08 CRIM 402**



**INDICTMENT**

**Title 18, United States Code, Sections 875(d) and 2**

**Count 1**

Between and on or about August 28, 2007 through September 18, 2007, inclusive, in the State and District of Colorado, and elsewhere, RICHARD J. KURTZ, a/k/a Laurence Solomon, defendant herein, together with another unknown to the Grand Jury, with intent to extort from a person any money or other thing of value, to wit: money from Esther Kirsch; did transmit in interstate or foreign commerce communications containing threats to injure the property and reputation of the addressee or of another; and further RICHARD J. KURTZ, a/k/a Laurence Solomon, defendant herein, together with another unknown to the Grand Jury, did knowingly or intentionally aid, abet, counsel, command, induce and procure each others' participation in the commission of said offense.

I, the undersigned, Clerk of the United States District Court for the District of Colorado, do certify that this document is a true copy of an original document remaining on file in my office.

Witness my hand and SEAL of said Court this 1st day of May '08  
GREGORY C. LANGHAM

By

Deputy



All in violation of Title 18, United States Code, Section 875(d) and 2.

A TRUE BILL:

s/Foreperson  
FOREPERSON

TROY A. EID  
United States Attorney

By: s/Greg Holloway  
GREG HOLLOWAY, WSBA #28743  
Assistant U.S. Attorney  
U.S. Attorney's Office  
1225 17<sup>th</sup> St., Ste. 700  
Denver, CO 80202  
Telephone: 303-454-0100  
Fax: 303-454-0403  
E-mail: Gregory.Holloway@usdoj.gov  
Attorney for Government

## U.S. Department of Justice

FILED

Rule 20 -- Transfer Notice

DISTRICT OF COLORADO

To:	District	Date
U.S. ATTORNEY	2008 MAY -1 PM 1:27 Gregory C. Langham CLERK	January 21, 2008
Name of Subject:	Statute Violated	DEF File Data (Initials and Number)
Richard J. Kurtz	18 USC 875(a)(1)	08 CRIM 402

## Part A -- District of Arrest

- ☒ The above-named subject has been apprehended in this jurisdiction and indicates amenability to Rule 20 disposition of the charges pending against him in your court. Kindly indicate whether you are agreeable to Rule 20 disposition and forward two certified copies of indictment or information if any.
- ☐ Enclosed is a certified copy of waiver of indictment by defendant. Kindly file criminal information and forward two certified copies thereof.
- ☐ Enclosed is Consent to Transfer form executed in duplicate (one copy for your files) by defendant and the United States Attorney in the district of arrest. Kindly add your consent and have the Clerk of your district transmit the papers in the proceeding or certified copies thereof to the Clerk of the Court in this district in accordance with the Rule Docket No.
- ☐ Other (Specify):
- ☐ The above-named defendant entered a plea of guilty under Rule 20.
- Date of Plea      Date of Sentence      Sentence

From (Signature and Title)	Address
Michael J. Garcia/PM, US Attorney, SDNY (by AUSA Parvin Moyné)	One St. Andrews Plaza New York, New York 10007

## Part B -- District of Offense

- ☒ I am agreeable to Rule 20 disposition.
- ☐ I am not agreeable to Rule 20 disposition. Defendant's appearance is desired at \_\_\_\_\_ on \_\_\_\_\_ at \_\_\_\_\_ o'clock
- (Kindly notify me of any anticipated delay)
- ☒ Enclosed are two certified copies of indictment or information
- ☐ Please have defendant execute waiver of indictment.
- ☐ Other (Specify):
- Docket No. 07-cr-00399-EWN

Signature (Name and Title)	District	Date
Lawn M. Lorette, Acting U.S. Attorney	Colorado	4/30/08

See United States Attorneys Manual 9-14.000 for an explanation of procedures under Rules 7 & 20, Federal Rules of Criminal Procedure.  
Replaces OBD-101, Fed. 83 edition may be used

FORM USA-231  
NOV. 85

TERMED

**U.S. District Court  
District of Colorado (Denver)  
CRIMINAL DOCKET FOR CASE #: 1:07-cr-00399-EWN-1  
Internal Use Only**

Case title: USA v. Kurtz  
Magistrate judge case number: 1:07-mj-01182-MEH

Date Filed: 09/27/2007  
Date Terminated: 05/01/2008

Assigned to: Chief Judge Edward W.  
Nottingham

**Defendant (1)**

**Richard J. Kurtz**  
*TERMINATED: 05/01/2008*

represented by **Warren Richard Williamson**  
Office of the Federal Public Defender  
633 Seventeenth Street  
#1000  
Denver, CO 80202  
303-294-7002  
Fax: 303-294-1192  
Email: Rick\_Williamson@fd.org  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Public Defender or  
Community Defender Appointment*

**Scott Thomas Varholak**  
Lindquist & Vennum, PLLP-Denver  
600 17th Street  
#1800 South  
Denver, CO 80202-5900  
303-573-5900  
Fax: 303-573-1956  
Email: svarholak@lindquist.com  
*TERMINATED: 03/27/2008*  
*Designation: Public Defender or  
Community Defender Appointment*

I, the undersigned, Clerk of the  
United States District Court for the  
District of Colorado, do certify that  
this is a true and correct copy of an  
original document or filing on file  
in the court's records.



Witness my hand and SEAL of said Court at Denver, Colorado

13<sup>th</sup> day of May 08  
SECRETARY C. LANGHAM

By Deputy

**Pending Counts**

None

**Highest Offense Level (Opening)**

**Disposition**

None

**Terminated Counts**

INTERSTATE COMMUNICATIONS -  
THREATS TO PERSONS  
(1)

**Disposition**

RULE 20 transfer out

**Highest Offense Level (Terminated)**

Felony

**Complaints**







18:875C.F Interstate communications  
containing threats

**Disposition**

**Plaintiff**







USA

represented by **Gregory Allen Holloway**  
U.S. Attorney's Office-Denver  
1225 Seventeenth Street  
#700  
Denver, CO 80202  
303-454-0100  
Fax: 454-0403  
Email: Gregory.Holloway@usdoj.gov  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
09/07/2007	 <u>1</u>	COMPLAINT as to Richard J. Kurtz (1). (Attachments: # <u>1</u> Criminal Information Sheet) (tllsl, ) [1:07-mj-01182-MEH] (Entered: 09/07/2007)
09/20/2007	 <u>2</u>	Rule 5(c)(3) Documents Received from the Southern District of New York as to Richard J. Kurtz (tllsl, ) [1:07-mj-01182-MEH] (Entered: 09/20/2007)
09/20/2007	 <u>3</u>	Sealed Document-financial affidavit from the Southern District of New York. (tllsl, ) [1:07-mj-01182-MEH] (Entered: 09/20/2007)
09/27/2007	 <u>4</u>	INDICTMENT as to Richard J. Kurtz (1) count(s) 1. (Attachments: # <u>1</u> Criminal Information Sheet) (tllsl, ) (Entered: 09/28/2007)
09/27/2007	 <u>5</u>	Arrest Warrant Issued in case as to Richard J. Kurtz. (tllsl, ) (Entered: 09/28/2007)
10/02/2007	 <u>6</u>	MINUTE ORDER : Initial Appearance set for 10/11/2007 10:30 AM before Magistrate Judge Craig B Shaffer. (text entry only- no document attached) (tllsl, ) (Entered: 10/02/2007)

10/11/2007	<a href="#"><u>7</u></a>	Summons Issued as to Richard J. Kurtz: Initial Appearance set for 10/17/2007 10:00 AM in Courtroom C203 before Magistrate Judge Michael E. Hegarty. (mjg, ) (Entered: 10/11/2007)
10/11/2007	<a href="#"><u>8</u></a>	Minutes of Initial appearance as to Richard J. Kurtz held on 10/11/2007 before Magistrate Judge Craig B Shaffer: Deft. has failed to appear; Court states record does not reflect defendant notification of hearing; Govt. requests a summons issue and status hearing; ORDERED: Clerks office to issue summons; pre-trial services to notify supervising officer in New York of defendants next hearing date; Status Conference set for 10/17/2007 10:00 AM before Magistrate Judge Michael E. Hegarty. (Tape #FTR CBS AM.) (klw, ) (Entered: 10/12/2007)
10/15/2007	<a href="#"><u>9</u></a>	MOTION to Continue arraignment set 10/17/07 by Richard J. Kurtz. (kltsl, ) (Entered: 10/16/2007)
10/16/2007	<a href="#"><u>10</u></a>	MINUTE ORDER granting <a href="#"><u>9</u></a> Motion to Continue as to Richard J. Kurtz (1). Entered by Magistrate Judge Hegarty on 10/16/2007. (text entry only- no document attached) (tlsl, ) (Entered: 10/16/2007)
10/16/2007	<a href="#"><u>11</u></a>	MINUTE ORDER as to defendant Richard Kurtz: Initial Appearance set for 11/7/2007 01:30 PM before Magistrate Judge Michael J. Watanabe. Entered by Magistrate Judge Michael E. Hegarty on 10/16/07. (Attachments: # <a href="#"><u>1</u></a> certificate of mailing) (tlsl, ) (Entered: 10/16/2007)
10/16/2007	<a href="#"><u>12</u></a>	MEMORANDUM referring to Magistrate Judge Hegarty the <a href="#"><u>9</u></a> MOTION to Continue (Text Only Entry - No Document Attached) (tlsl, ) (Entered: 10/16/2007)
10/17/2007	<a href="#"><u>13</u></a>	Arrest Warrant Returned Unexecuted as to Richard J. Kurtz. (tlsl, ) (Entered: 10/17/2007)
11/07/2007	<a href="#"><u>15</u></a>	Minute Entry for proceedings held before Magistrate Judge Michael J. Watanabe: Initial Appearance as to Richard J. Kurtz held on 11/7/2007. FPD appointed. Bond set in the District of NY where the deft was arrested. Bond conditions amended as reflected in the record. Deft bond continued. Arraignment and Discovery Hearing set for 11/19/2007 10:00 AM before Magistrate Judge Kristen L. Mix. (Court Reporter FTR MJW PM.) (tlsl, ) (Entered: 11/08/2007)
11/07/2007	<a href="#"><u>16</u></a>	Sealed Document-financial affidavit (tlsl, ) (Entered: 11/08/2007)
11/08/2007	<a href="#"><u>14</u></a>	NOTICE OF ATTORNEY APPEARANCE: Scott Thomas Varholak appearing for Richard J. Kurtz (Varholak, Scott) (Entered: 11/08/2007)
11/19/2007	<a href="#"><u>17</u></a>	Minute Entry for Arraignment and Discovery Hearing as to Richard Kurtz held before Magistrate Judge Kristen L. Mix on 11/19/2007; Plea of NOT GUILTY entered by Richard Kurtz. Discovery memo tendered to ct. ORDERED: Deft continues on bond. (Tape #FTR KLM AM.) (lmw, ) (Entered: 11/19/2007)
11/19/2007	<a href="#"><u>18</u></a>	Discovery Hearing Report; Estimated Trial Days: 4 days as to Richard J. Kurtz; (tlsl, ) (Entered: 11/20/2007)

12/03/2007	<a href="#"><u>19</u></a>	ORDER AND NOTTICE OF SETTINGS as to Richard J. Kurtz; Jury Trial set for 1/14/2008 09:00 AM in Courtroom A 201 before Chief Judge Edward W. Nottingham. Motions due by 12/7/2007. Responses due by 12/14/2007. Change of Plea Hearing set for 1/4/2008 02:15 PM in Courtroom A 201 before Chief Judge Edward W. Nottingham. Plea Agreement and Statement of Facts due by 1/2/2008, by Chief Judge Edward W. Nottingham on 12/3/07. (lmw, ) (Entered: 12/03/2007)
12/07/2007	<a href="#"><u>20</u></a>	NOTICE of Disposition by Richard J. Kurtz (Varholak, Scott) (Entered: 12/07/2007)
12/19/2007	<a href="#"><u>21</u></a>	Joint MOTION to Vacate <i>the Change of Plea and Trial Dates</i> by Richard J. Kurtz. (Varholak, Scott) (Entered: 12/19/2007)
12/20/2007	<a href="#"><u>22</u></a>	MINUTE ORDER: The Change of Plea Hearing set for 1/4/2008 is vacated and instead a hearing regarding <a href="#"><u>21</u></a> Joint MOTION to Vacate <i>the Change of Plea and Trial Dates</i> filed by Richard J. Kurtz is set for 1/4/2008 at 2:15 PM in Courtroom A201 before Chief Judge Edward W. Nottingham. Entered by Chief Judge Edward W. Nottingham on 12/20/07. (Text Only Entry - No Document Attached) (ewnsec, ) (Entered: 12/20/2007)
12/21/2007	<a href="#"><u>23</u></a>	MOTION to Excuse <i>Defendant's Presence</i> by Richard J. Kurtz. (Varholak, Scott) (Entered: 12/21/2007)
01/02/2008	<a href="#"><u>24</u></a>	MINUTE ORDER granting <a href="#"><u>23</u></a> Motion to Excuse as to Richard J. Kurtz. The defendants presence is excused for the Motion Hearing scheduled on 1/4/2008. Entered by Chief Judge Edward W. Nottingham on 1/2/08. (Text Only Entry - No Document Attached) (ewnsec, ) (Entered: 01/02/2008)
01/04/2008	<a href="#"><u>25</u></a>	Minute Entry for proceedings held before Chief Judge Edward W. Nottingham: Motion Hearing as to Richard J. Kurtz held on 1/4/2008 re <a href="#"><u>21</u></a> Joint MOTION to Vacate <i>the Change of Plea and Trial Dates</i> filed by Richard J. Kurtz. Deft presence is waived. Court:granting <a href="#"><u>21</u></a> Motion to Vacate. Parties are to file a status report by February 1, 2008 and every 30 days thereafter. (Court Reporter Therese Lindblom.) (tlsl, ) (Entered: 01/04/2008)
01/04/2008	<a href="#"><u>25</u></a>	(Court only) ***Excludable started as to Richard J. Kurtz: (tlsl, ) (Entered: 01/04/2008)
01/04/2008	<a href="#"><u>26</u></a>	NOTICE of Consent to Have the Case Transferred Pursuant to Federal Rule of Criminal Procedure 20 by Richard J. Kurtz (Varholak, Scott) (Entered: 01/04/2008)
01/31/2008	<a href="#"><u>27</u></a>	STATUS REPORT by Richard J. Kurtz (Varholak, Scott) (Entered: 01/31/2008)
02/28/2008	<a href="#"><u>28</u></a>	STATUS REPORT ( <i>SECOND</i> ) by Richard J. Kurtz (Varholak, Scott) (Entered: 02/28/2008)
03/12/2008	<a href="#"><u>29</u></a>	NOTICE OF ATTORNEY APPEARANCE: Warren Richard Williamson appearing for Richard J. Kurtz (Williamson, Warren) (Entered: 03/12/2008)

		03/12/2008)
03/26/2008	 <u>30</u>	MOTION to Withdraw as Attorney by Scott T. Varholak by Richard J. Kurtz. (Varholak, Scott) (Entered: 03/26/2008)
03/26/2008	 <u>31</u>	NOTICE <i>to Terminate ECF Filing</i> by Richard J. Kurtz (Varholak, Scott) (Entered: 03/26/2008)
03/27/2008	 <u>32</u>	MINUTE ORDER granting <u>30</u> Motion to Withdraw as Attorney. Scott Thomas Varholak withdrawn from case as to Richard J. Kurtz. Entered by Chief Judge Edward W. Nottingham on 3/27/08. (Text Only Entry - No Document Attached) (ewnsec, ) (Entered: 03/27/2008)
04/07/2008	 <u>33</u>	STATUS REPORT ( <i>Defendant's Third Status Report</i> ) by Richard J. Kurtz (Williamson, Warren) (Entered: 04/07/2008)
05/01/2008	 <u>34</u>	CONSENT TO TRANSFER JURISDICTION (Rule 20) to the Southern District of New York. Counts closed as to Richard J. Kurtz (1) Count 1. (Attachments: # <u>1</u> transmittal letter)(tlsl, ) (Entered: 05/01/2008)
05/01/2008		Criminal Case Terminated (tlsl, ) (Entered: 05/01/2008)



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

GREGORY C. LANGHAM  
CLERK OF COURT

Room A-105, Alfred A. Arraj U.S. Courthouse  
901 19th Street  
Denver, Colorado 80294-3589  
Phone (303) 844-3433  
[www.cod.uscourts.gov](http://www.cod.uscourts.gov)

May 1, 2008

United States District Court  
Southern District of New York  
120 Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street  
New York, NY 10007-1312

Colorado Case Number: 07-cr-00399-EWN, Defendant: Richard J. Kurtz

Receiving Court Case Number: Not listed

Dear Clerk:

The above numbered case has been ordered transferred to your district pursuant to Rule 20  
Transfer of jurisdiction.

You may access electronically filed documents in this case at our ECF/PACER web address  
<http://ecf.cod.uscourts.gov>. Any documents not available electronically are enclosed in paper  
format.

Please acknowledge receipt by returning a date stamped copy of this letter noting the case  
number in your court in the enclosed envelope.

Very truly yours,

Gregory C. Langham, Clerk

By: s/T. Lee

Deputy Clerk

DEFENDANT: RICHARD J. KURTZ

AGE: 1936

ADDRESS:

COMPLAINT FILED? ☒ YES ☐ NO

IF YES, PROVIDE MAGISTRATE CASE NUMBER: 1:07-mj-01182-MEH

IF NO, PROCEED TO "OFFENSE" SECTION

HAS DEFENDANT BEEN ARRESTED ON COMPLAINT? ☒ YES ☐ NO

IF NO, A NEW WARRANT IS REQUIRED

OFFENSE: Count 1: 18 U.S.C. 875(d)  
Extortion – Interstate Communications Containing Threats

LOCATION OF OFFENSE: Denver County, Colorado

PENALTY: Count 1: NMT 2 years imprisonment, \$250,000 fine, or both; NMT 3 years supervised release; \$100.00 Special Assessment Fee, Restitution.

AGENT: Jonathan Grising  
SA FBI

AUTHORIZED BY: Gregory A. Holloway  
Assistant U.S. Attorney

ESTIMATED TIME OF TRIAL:

☒ five days or less

☐ over five days

THE GOVERNMENT

☒ will seek detention in this case

☐ will not seek detention in this case

The statutory presumption of detention is applicable to this defendant.

OCDETF CASE: ☐ Yes ☒ No